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NO. 6466

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 **Sterne Kessler
Goldstein Fox**
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☐ Return reply requested

☐ Original will be sent as confirmation


To: U.S. Patent and Trademark Office
Art Unit 1645

Date: February 19, 2004

Attention: Examiner Nita M. Minnifield

Re: U.S. Utility Patent Application

Appl. No. 09/635,679; filed August 10, 2000

From: Aaron L. Schwartz, Patent Agent
Registration No. 48,181 

For: Insulinotropic Hormone and Uses
Thereof

Pages (including cover sheet): 6

Fax No: (703) 872-9306

Our Reference: 0609.1090009/MAC/ALS

Message

See enclosed Second Supplemental Information Disclosure Statement, Fee Transmittal (Form PTO/SB/17), Credit Card Payment Form PTO-2038 and Certificate of Transmission under 37 CFR 1.8.

231639_1.DOC

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NO. 6466 P. 2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Habener, Joel F.

Appl. No. 09/635,679

Filed: August 10, 2000

For: **Insulinotropic Hormone and Uses
Thereof (as amended)**

Confirmation No. 6862

Art Unit: 1645

Examiner: Minnifield, Nita M.

Atty. Docket: 0609.1090009/MAC/ALS

Second Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This pleading provides information that may be considered material to the examination of the above captioned application, and is provided in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

The Examiner's attention is directed to U.S. Patents No. 5,118,666 and 5,614,492, both of which are relied upon by applicant for the benefit under 35 U.S.C. § 120. These patents were previously cited as documents AA1 and AF1 in an Information Disclosure Statement (IDS) filed on March 19, 2001. The Examiner's attention is also directed to U.S. Patent No. 5,120,712, which was previously cited as document AB1 in the March 19, 2001 IDS.

Applicant has amended the inventorship of U.S. Patents No. 5,118,666; 5,614,492 and 5,120,712 to include Svetlana Mojssov. However, Applicant believes that the inventorship of the above captioned application as currently filed is currently correct and does not need to be amended.

02/20/2004 TRESHAW1 00000146 09635679

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180.00 OP


Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Information Disclosure Statement is being filed pursuant to 37 C.F.R. § 1.97(c)(2), and the fee set forth in 37 C.F.R. § 1.17(p) is provided herewith. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Aaron L. Schwartz
Agent for Applicants
Registration No. 48,181

Date: February 19, 2004

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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PTO/SB/17 (10-03)

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 180.00**Complete if Known**

| | |
|----------------------|----------------------|
| Application Number | 09/635,679 |
| Filing Date | August 10, 2000 |
| First Named Inventor | Joel F. Habener |
| Examiner Name | Minnifield, Nita M. |
| Art Unit | 1645 |
| Attorney Docket No. | 0609.1090009/MAC/ALS |

METHOD OF PAYMENT (check all that apply)
☐ Check ☒ Credit card ☐ Money Order ☒ Other** ☐ None

☐ **Charge any deficiencies or credit any overpayments in Deposit Account: the fees to Deposit Acct. No. 19-0036.

 Deposit Account Number: 19-0036
 Deposit Account Name: Sterne Kessler, Goldstein & Fox P.L.L.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 180 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | | | | | | |
|--------------------|--|--------------|-----|----------------|--|----------|--|
| Total Claims | | Extra Claims | | Fee from below | | Fee Paid | |
| Independent Claims | | - 20 | **= | X | | | |
| Multiple Dependent | | - 3 | **= | X | | | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 1202 18 | 2202 9 | Claims in excess of 20 | |
| 1201 88 | 2201 43 | Independent claims in excess of 3 | |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid | |
| 1204 88 | 2204 43 | ** Reissue independent claims over original patent | |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) (\$) | | | |

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 60 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or release) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Partitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1808 180 | 1808 180 | Submission of Information Disclosure Stmt | 180 |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

180.00

SUBMITTED BY

| | | | | | |
|-------------------|---|-----------------------------------|---------------|-----------|----------------|
| Name (Print/Type) | Aaron L. Schwartz | Registration No. (Attorney/Agent) | 48,181 | Telephone | (202) 371-2600 |
| Signature |  | Date | Feb. 19, 2004 | | |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

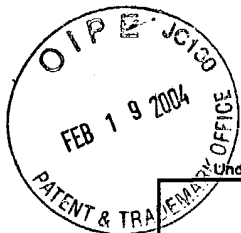
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NO. 6466 P. 6



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on February 19, 2004
Date


Signature

Denise Bauckman
Typed or printed name of person signing Certificate

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1. Second Supplemental Information Disclosure Statement;
2. Fee Transmittal (Form PTO/SB/17); and
3. Credit Card Payment Form PTO-2038.

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